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Attorneys for Candace Amborn, Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm7

NOTICE OF AMENDED MOTION AND  
CHAPTER 7 TRUSTEE'S AMENDED  
MOTION FOR A FURTHER  
CONTEMPT ORDER AGAINST THE  
DEBTOR

**NOTICE**

If you oppose the proposed course of action or relief sought in this motion, you must file a written objection with the bankruptcy court no later than 14 days after the date listed in the certificate of service below. If you do not file an objection, the court may grant the motion without further notice or hearing. Your objection must set forth the specific grounds for objection and your relation to the case. The objection must be received by the clerk of court at United States Bankruptcy Court District of Oregon, 1050 SW 6th Avenue # 700, Portland, OR 97204 by the deadline specified above or it may not be considered. You must also serve the objection on Gary Blacklidge, Jordan Ramis PC, Two Centerpointe Drive, Lake Oswego, OR, 97035 (503-598-7070) within that same time. If the court sets a hearing, you will receive a separate notice listing the hearing date, time, and other relevant information.

## **MOTION**

Candace Amborn, the Chapter 7 Trustee in this case and the successor trustee herein (hereinafter “Trustee”), moves for an order finding the Debtor in contempt because the debtor (1) violated, and continues to violate, the Contempt Order (Doc 590) by refusing to sign the Authorization to Disclose Financial Records directed to HSBC Bank, as modified, and the Account Fund Transfer forms with HSBC Bank Singapore, Ltd. and HSBC Bank Australia, Ltd., that were attached thereto; (2) refused to comply with this court’s order of December 5, 2017 (the “Conversion Order”); and (3) continues to interfere with the Trustee’s duties including opposing the Trustee’s application to domesticate the Contempt Order in Singapore and the Trustee’s attempts to recover the funds and information in Singapore easily obtained had the Debtor signed the documents this Court ordered him to sign. For her Motion, the Trustee relies upon 11 USC §521(a)(3) and (4), 11 USC §105, and this court’s Order Granting Motion for Contempt (Doc. 533), filed as (Doc. 590) (the “Contempt Order”). The Trustee also relies upon the declaration of the Trustee submitted herewith.

## **FACTUAL BACKGROUND**

The factual background prior to the entry of the Contempt Order is as stated in the prior Trustee’s contempt motion (Doc. 533) and is realleged here and incorporated by reference. Following entry of the Contempt Order, the Debtor refused to sign the exhibits this Court ordered the Debtor to sign. Instead of bringing this issue back to this Court, the prior Trustee and counsel for HSBC Bank abated the adversary proceeding against HSBC Bank while the Contempt Order was to be domesticated in Singapore, ostensibly to simply obtain the cooperation from the Singapore Court. Despite that, the Singapore Court continues to address

the ongoing representations and appearances by the Debtor in Singapore contesting the Trustee's actions to administer the assets in Singapore.

Despite Debtor's representations to this court and US District Court that the Debtor is destitute and penniless, the Debtor has appeared in person in Singapore several times over the last year and intervened in the Singapore proceeding alleging defenses, including that the trustee is attempting to adjudicate the Debtor as a bankrupt under Singapore law, that the Debtor has perfected an appeal of the Conversion Order to the Ninth Circuit, and that the funds on deposit in Singapore are his and his spouse's community property despite having been previously ruled against on that issue in this case more than once. The Debtor has never complied with the Pre-filing Review Order issued by the Ninth Circuit against the Debtor in 2017. In addition, the Debtor has engaged in several approaches to slowing the Singapore proceedings. For example, the Debtor continues to seek extensions to the hearing dates set by the Singapore court for various reasons, including that he must attend his "auntie's" 100<sup>th</sup> birthday in Israel and then serve his annual three-week duty in the Israeli Defense Force ("IDF").

At the same time, the Debtor filed his motions with the Singapore court, the Debtor was filing motions in US District Court in Portland for extensions of time to file appellate briefs and replies alleging that he "barely has enough money for food, soap, medicine and other basic necessities of life." He has further repeatedly represented in filings in this Court that he is terminally ill. Yet, despite being 70+ years old and purportedly terminally ill, the Debtor alleges he must serve his duty in the IDF and that he is unable to call in to the Singapore court for a virtual hearing. In the meantime, some of the extension dates that he has requested for his filings in the US District Court are during the period of time he is allegedly serving his three-week duty for the IDF. The Debtor's representations are all a matter of record here and in both the District

Court in Portland and the court filings in the Singapore case. However, most of this would not have ever occurred had the Debtor complied with the Contempt order and signed the documents he was ordered to sign.

### **JURISDICTION**

This Court has jurisdiction over this matter pursuant to 28 USC §157 and 28 USC §1334. This Motion constitutes a core proceeding within 28 USC §157 as this matter constitutes a request for further contempt for violation of the Contempt Order previously issued, the Conversion Order, and for blatantly and vigorously opposing the Trustee's efforts to fulfill her duties under 11 USC §704.

### **RELIEF REQUESTED**

The Trustee requests entry of an Order pursuant to Section 521(a)(3) and (4) and Section 105 of the Bankruptcy Code holding the Debtor in further contempt for failing to comply with the Contempt Order and for interfering with the Trustee's duties including the Debtor's past and continuing efforts to preclude the Trustee's efforts to fulfill her duties under Section 704 of the Bankruptcy Code.

### **POINTS AND AUTHORITIES**

The Trustee hereby realleges and restates the points and authorities set forth in the Motion for Contempt filed two years ago by the prior Trustee as DOC. 533. The Contempt Order specifically provides on page 2, line 3-6, that the Trustee may bring this matter before the Court on further motion for contempt for the Debtor's failure to comply with the Contempt Order and Conversion Order if the Debtor refuses to sign and deliver the Authorization and Consent forms that were attached to the Contempt Order. The Debtor has refused and never complied. Moreover, the Debtor continues to interfere and oppose the Trustee's efforts to

domesticate this Court's orders in Singapore in violation of his statutory duties and this Court's prior orders. This Court has the authority pursuant to 11 USC §105 to issue any order "that is necessary or appropriate to carry out the provisions of this title". The Ninth Circuit Court of Appeals has recognized that bankruptcy courts have the inherent power to sanction vexatious conduct presented before the court. *In re Rainbow Magazine, Inc.*, 77 F.3<sup>rd</sup> 278 (9<sup>th</sup> Cir 1996).

### **CONCLUSION**

The Debtor is aware of the Contempt Order. The Debtor continues to refuse to sign the documents he was ordered to sign. The Trustee has expended thousands of dollars to achieve that which would have cost very little had the Debtor complied with the terms of the Contempt Order. Despite that the Trustee requests that the Court determine the nature and extent of the monetary damages that should be leveled against the Debtor, the Trustee believes that monetary sanctions alone will not deter this Debtor. Therefore, the Trustee requests that this Court issue a further order of contempt against the Debtor (a) enjoining him from further interference with Trustee's proceeding in Singapore to domesticate this Court's orders, and (b) declaring that all actions taken by the Debtor in violation of this Court's orders are deemed void, including all actions taken in opposition to the actions of the Trustee in the Singapore court. Finally, the Trustee seeks issuance of a warrant for the Debtor's arrest by the United States Marshals Service

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and for his incarceration pending his execution of the documents he was to have executed or the completion of the administration of this bankruptcy case or both.

DATED this 19<sup>th</sup> day of August, 2020.

JORDAN RAMIS PC

By: /s/ Gary L. Blacklidge  
Gary L. Blacklidge, OSB #902089  
*Attorneys for Candace Amborn, Trustee*

**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, I electronically filed the foregoing **NOTICE OF AMENDED MOTION AND CHAPTER 7 TRUSTEE'S AMENDED MOTION FOR A FURTHER CONTEMPT ORDER AGAINST THE DEBTOR** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**VIA ECF NOTICE**

Peter Szanto  
11 Shore Pine  
Newport Beach CA 92657  
*Pro Se*

U.S. Trustee  
US Trustee, Portland  
620 SW Main St #213  
Portland, OR 97205

I also certify the document and a copy of the Notice of Electronic Filing was served via First Class Mail on the following non-CM/ECF participants:

**VIA FIRST CLASS MAIL**

Peter Szanto  
11 Shore Pine  
Newport Beach CA 92657  
*Pro Se*

DATED: August 19, 2020.

/s/ Gary L. Blacklidge

Gary L. Blacklidge, OSB #902089  
gary.blacklidge@jordanramis.com

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Attorneys for Candace Amborn, Trustee

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm7

Chapter 7

DECLARATION OF CANDACE  
AMBORN IN SUPPORT OF MOTION  
FOR FURTHER CONTEMPT ORDER  
AGAINST THE DEBTOR

I, Candace Amborn, declares as follows:

1. I am the successor Chapter 7 Trustee for the case captioned-above. I make this declaration from my personal knowledge and I am competent to testify.

2. The Debtor has never signed and delivered the authorization and consent documents attached to this Court's prior Contempt Order as ordered by this Court.

3. The Debtor has filed numerous papers with the Singapore Court contesting the registration of this Court's orders, including the Contempt Order, and has attempted to obtain release of the assets there, including Debtor's transferred funds.

None of the expense incurred by the bankruptcy estate would have been necessary if (a) the

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Debtor would have complied with this Court's orders and (b) the Debtor would not have taken action against the Trustee's position in attempting to assemble property of the estate and recover it for the benefit of Creditors.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 18<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Candace Amborn

**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, I electronically filed the foregoing **DECLARATION OF CANDACE AMBORN IN SUPPORT OF MOTION FOR FURTHER CONTEMPT ORDER AGAINST THE DEBTOR** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**VIA ECF NOTICE**

Peter Szanto  
11 Shore Pine  
Newport Beach CA 92657  
*Pro Se*

U.S. Trustee  
US Trustee, Portland  
620 SW Main St #213  
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Peter Szanto  
11 Shore Pine  
Newport Beach CA 92657  
*Pro Se*

DATED: August 19, 2020.

/s/ Gary L. Blacklidge

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